IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

MACA.No. 1751 of 2007

OPMV.2020/2004 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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APPELLANT/THIRD RESPONDENT
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THE NATIONAL INSURANCE COMPANY LTD.,
KOCHI BRANCH, P.T.JACOB ROAD, THOPPUMPADY,KOCHI-5.

BY ADV. SRI.RAJAN P.KALIYATH

RESPONDENTS: PETITIONERS AND R1 & 2.
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1. MANDIP KAUR, W/O. LATE RAJINDER SINGH,
RESIDING AT QUARTERS NO. EKTA 38 MA
INS DRONACHARYA, FORTCOCHIN, COAHIN - 1,
FORTCOCHIN DESOM, FORTCOCHIN VILLAGE, KOCHI TALUK.

2. HAZARA SINGH, S/O. TWAN SINGH,
RESIDING AT -DO- -DO-.

3. SURINDER KAUR, W/O. HSZARA SINGH, -DO-.

4. N.X.THAMPI, MYLANTHARA HOUSE,
PALLURUTHY, COCHIN - 6.

5. V.ARUMUGHAN, PAOLACE MANDIR,
KARUVELIPADY, COCHIN - 5, AND NOW RESIDING AT
C/O. VALSA JOY, CHAMMINIKULATH VEETTIL,
PAMPAIMOOLA, EDACOCHIN, COCHIN - 6.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.**

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M.A.C.A.No.1751 OF 2007

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Dated this the 24th day of September, 2007

**JUDGMENT**

**Radhakrishnan, J**

The National Insurance Company Ltd., the third respondent in the O.P.(MV) is the appellant herein. The respondents 1 to 3 herein were the claim petitioners. The claimants are the legal representatives of deceased Rajinder Singh who died in an automobile accident. At the time of accident, deceased was 27 years. He was working as a leading Medical Assistant in Indian Navy and was getting around Rs.7,000/-. First claimant in the claim petition was the widow aged 22 years having no children. Second claimant was father of the deceased aged 55 years and the third respondent was the mother of the deceased aged 45 years. They claimed a total compensation of Rs.20,00,000/-. Tribunal awarded Rs.8,54,200/- which was ordered to be apportioned at the ratio of 60:20:20.

2. Learned counsel appearing for the insurance company submitted that the amount awarded by the Tribunal is very high. The first claimant in this case is not dependant on the deceased as

she evidently having independent income to support herself and she has got remarried. Therefore, the loss of dependency fixed by the Tribunal in this case is highly irregular and illegal and the same is liable to be set right by bringing down compensation under the head loss of dependency to just compensation.

We have gone throught the award passed by the Tribunal. No proper evidence have been adduced to show that the widow has got employment on compassionate gounds; to show that she was remarried and to show that claimants have any other income. Considering the entire facts and circumstances, we are of the view that the amount awarded by the Tribunal was just and proper. In such circumstances we find no reason to interfere with the order passed by the Tribunal. Appeal is dismissed.

**K.S.RADHAKRISHNAN, JUDGE**

**A.K.BASHEER, JUDGE**

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